

Board of Dentistry

Minutes

Date: December 8, 2005

Location: Magnolia Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

Members Present: Eben A. De Armond, Jr. D.S.S. President
Harold L. Fitts, D.D.S., Secretary/Treasury
Beth A. Casey, R.D.H.
Katherine H. Cherry, R.D.H.
Jeffery M. Clark, D.D.S.
Betty Gail Fox, R.D.A.
Joe C. Greer, D.D.S.
Agnes S. Young

Staff Present: Paul David, Board Director
Dea Smith, Board Manager
Robbie Bell, Director, Health Related Boards
Ernest Sykes, Associate General Counsel and Advisory Attorney
Juanita Presley, Assistant General Counsel and Advisory Attorney

Administrative Staff: Steve R. Darnell, Administrative Law Judge

December 8, 2005

The Board's President, Eben DeArmond, determined a sufficient number of board members were in attendance to constitute a quorum. The quorum was determined by the presence of Dr. DeArmond, Dr. Fitts, Ms. Casey, Ms. Cherry, Dr. Clark, Ms. Fox, and Ms. Young. Therefore, the meeting of the Tennessee Board of Dentistry was called to order at 9:06 a.m., Central Time. Dr. Greer arrived at 9:11 a.m.

Conflict of Interest Policy

Dr. DeArmond requested the Board members review the Conflict of Interest Policy, which was included in the notebooks. Ms. Young signed the Conflict of Interest policy and all other members present had already signed the policy. No member indicated a conflict.

Rules - Roll Call Vote

Mr. Kosten came before the Board to discuss rules which a rulemaking hearing was held November 23, 2005. The Board reviewed the following proposed rules for a roll call vote:

Rule 0460-1-.03 Board Officers, Consultants, Records and Meetings, 0460-1-.06 Disciplinary Actions, Civil Penalties, Procedures, Declaratory Orders, Assessment of Costs, and Subpoenas, 0460-1-.08 Dental Professional Corporations, 0460-2-.05 Examinations, 0460-3-.05 Examinations and 0460-1-.09 Dental Professional Limited Liability Companies - After review and discussion, a motion was made by Dr. Fitts and seconded by Dr. Clark, to accept the rules as written to relocate the declaratory order language, delete North East Regional Board of Dental Examiners (NERB) and Central Regional Dental Testing Service (CRDTS) from list of examples of acceptable examinations, amend Professional Corporation and Professional Limited Liability Company rules and add screening panel language as authorized by Public Chapter 234. All members present voting in the affirmative to accept the rule as written except Ms. Young who abstained.

Office of General Counsel

Ms. Juanita Presley introduced Ernie Sykes as the new advisory attorney for the Board.

Contested Cases

Fortner, James - License No. DS 2015

The respondent was present and represented by Mr. Dan Warlick of the Nashville Bar. The State is represented by Laurie Doty from the Office of General Counsel. The Board and the attorneys discussed an agreed order that Mr. Warlick had presented for review previously and which had been denied by the Board. After discussion, the proposed agreed order was modified and accepted by the Board. Dr. Fortner was found in violation of unprofessional, dishonorable or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; and violation of Tenn. Comp. R. & Regs 0460-2.12(4)(e). The respondent's license was placed on probation for two years, he must attend seminar "Program for Distressed Physicians", must attend seminar "Prescribing Controlled Drugs", must attend two-day medical record course at Case Western University, Cleveland, Ohio and must attend and complete three hours of approved CDE in risk management. The respondent was assessed \$2,000 civil penalties, assessed costs; and must allow Department of Health Investigator to inspect and photocopy ten patient charts per clinic chosen at random.

Letters of Reprimand

Gruen, Gordon – License No. DS 1783

The Board approved the letter of reprimand for the Dr. Gruen for allowing a dental assistant to practice on expired license. He was issued a reprimand, assessed \$1,200 in civil penalties and assessed \$200 in case costs.

Morris, Dwight A. – License No. DS 2596

The Board approved the letter of reprimand for the Dr. Morris for allowing a dental assistant to practice on expired license. He was issued a reprimand, assessed \$1,200 in civil penalties and assessed \$200 in case costs.

Office of General Counsel

Mr. Robert Kraemer, Deputy General Counsel, addressed the Board regarding orders that require licenses who have been disciplined by the Board to report back to the Board. He explained to the Board that licensees need to report to the disciplinary coordinator instead of the Board.

Motion was made and seconded to adjourn the meeting. The meeting of the Tennessee Board of Dentistry was adjourned at 11:45 a.m.